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Paper No. 10

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JUN 07 2004

OFFICE OF PETITIONS

DECISION ON PETITIONS
UNDER 37 C.F.R. §§1.137(A) AND (F)

In re Application of:

Yu Zhou

Application No. 09/778,997

Filed: February 8, 2001

Attorney Docket No. 006780.P001

Title: PROCESS FOR SYNTHESIZING
METAL BOROHYDRIDES

This is a decision on the two petitions concurrently filed on December 11, 2003, pursuant to 37 C.F.R. §§1.137(a) and 1.137(f), to revive the above-identified application.

The petition under 37 C.F.R. §1.137(a):

The petition under 37 C.F.R. §1.137(a) is **DISMISSED AS MOOT**. The petition fee has been refunded to Petitioner's deposit account, as authorized in the petition.

The petition under 37 C.F.R. §1.137(f):

A grantable petition pursuant to 37 CFR 1.137(f) must be accompanied by:

- (1) Notification of the filing of an application in a foreign country or under a multinational treaty that requires 18 month publication¹;
- (2) The petition fee as set forth in 37 C.F.R. § 1.17(m), and;
- (3) A statement that the entire delay in filing the notice from the date that the notice was due under 35 U.S.C. §122(b)(2)(B)(iii) until the date the notice was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

¹ See PTO/SB/36 and paragraph on PTO/SB/64a for further information. Both may be downloaded at <http://www.uspto.gov/web/forms/index.html>.

Petitioner states that the instant nonprovisional application is the subject of an application filed in either a foreign or an international application on February 6, 2002. However, the United States Patent and Trademark Office was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in a foreign country.

Unfortunately, a Notice of Rescission of Nonpublication Request has not been filed with the Office. As such, Petitioner has not rescinded the previous nonpublication request.

Accordingly, the petition under 37 C.F.R. §1.137(f) is **DISMISSED**.

Any response must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The submission should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(f)."

On renewed petition, Petitioner should submit a Notice of Rescission of Nonpublication Request. A form which Petitioner might find useful may be found at <http://www.uspto.gov/web/forms/sb0036.pdf>

The reply to this letter may be submitted by mail², hand-delivery³, or facsimile⁴.

The reply should display "Please deliver to Paul Shanoski, c/o Office of Petitions" in a prominent manner. The Petitioner may wish to consider telephoning the undersigned at the number provided below to confirm that the documents were delivered to the undersigned. Please note that the delivery process within the PTO can take as much as three weeks.

See Request for Alert Concerning Submitted Petitions, 1282 Official Gazette (May 18, 2004) for further information on how to ensure that your submission is delivered to the undersigned.

The application file will be retained in the Office of Petitions for two (2) months.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (703) 305-0011.



**Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office**

² Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

³ Customer Window, Mail Stop Petition, Crystal Plaza Two, Lobby, Room 1B03, Arlington, Virginia 22202.

⁴ (703) 872-9306 - please note this is a central facsimile number, and as such, there will be a delay in the delivery of the facsimile to the undersigned.